

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 20-084-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO AMEND THE COMPOSITE ZONING ORDINANCE TO ADD DEFINITIONS FOR CONDOS, TOWNHOMES, AND WRAP BUILDINGS TO ARTICLE I; UPDATE ARTICLE III, SECTION 14 TO REMOVE MIXED USE OPTIONS FROM THE LO (LOCAL OFFICE) USE COMPONENT; UPDATE ARTICLE III, SECTION 19 TO ADD REQUIREMENTS FOR WRAP COMMERCIAL USES WHEN THE MF (MULTI-FAMILY) USE COMPONENT IS PROPOSED AS PART OF A PUD (PLANNED UNIT DEVELOPMENT); ELIMINATE THE OPTION FOR HORIZONTAL MIXED USE AND ONLY ALLOW VERTICAL MIXED USE; ADD REQUIREMENTS FOR RESIDENTIAL CONDO REGIME DEVELOPMENTS; CLARIFY PUD REQUIREMENTS WITH REGARDS TO THE CONFIGURATION OF THE LAND AND QUALIFICATIONS FOR THE CONCEPTUAL SITE LAYOUT AND LAND USE PLAN, AND TO PROVIDE FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Section 14.02.001, Article 14.02, Chapter 14, Leander Code of Ordinances (the “Composite Zoning Ordinance”), and forwarded its recommendation on the amendments to the City Council; and

WHEREAS, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Article I, Section 6. Article I, Section 6 of the Composite Zoning Ordinance is hereby amended to add the following definitions:

Residential Condominium and Condo means a single-family unit that is occupied by one household. Condominium developments typically include multiple units on one lot with

common ownership.

Townhouse means an attached or detached single-family unit that is occupied by one household from the ground to the roof.

Wrap Building means a building that includes retail or office space around an above-grade parking structure. The commercial uses screen the parking garage from view of the street.

SECTION 3. Amendment of Article III, Section 14 (b) (10). Article III, Section 14 (b) (10) of the Composite Zoning Ordinance is hereby amended to read as follows:

- (10) One single-family residential unit may be located above the first floor as an accessory use. The minimum living area for a residential use is five hundred (500) square feet for an efficiency unit, six hundred fifty (650) square feet per dwelling unit for one bedroom units, eight hundred fifty (850) square feet per dwelling unit for two bedroom units and one hundred fifty (150) additional square feet for each bedroom thereafter.

SECTION 4. Amendment of Article III, Section 19 (a). Article III, Section 19 (a) of the Composite Zoning Ordinance is hereby amended to add the following subsections:

- (9) To allow multi-family projects as part of mixed use projects that integrate commercial, retail, and entertainment uses as part of a master plan.
- (10) To provide a cohesive development of contiguous properties.

SECTION 5. Amendment of Article III, Section 19 (b). Article III, Section 19 (b) of the Composite Zoning Ordinance is hereby amended to read as follows:

(b) Mixed Use Development

- (1) The PUD district may include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial uses within a single project in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the City. In order to promote such development, the PUD may be comprised of a combination of components provided for in this ordinance. The outer boundary of each such PUD district shall be shown on a Conceptual Site Layout and Land Use Plan, as will the area for each separate proposed zoning use. Zoning uses may also be vertically integrated within a building or area and denoted on the plan. Said plan shall include a descriptive legend, the specific boundaries of the area proposed for authorized use in any other zoning district, the percentage of the total area of such PUD which will comprise each such separate use, and all notations, references, and other information shown thereon. The Conceptual Site Layout and Land Use Plan shall be adopted by

- ordinance as an integral part of the PUD and, to the extent feasible, contain all notes and standards of the PUD.
- (2) PUD districts that include the MF use component shall incorporate multi-family units as upper-floor dwellings in a vertically mixed-use building and shall include the following:
- (i) Building Types: Vertical mixed-use buildings shall include ground floor devoted to retail, service, office, or institutional uses. Residential uses are only permitted on the upper floors. Multi-family amenities such as leasing offices, laundry facilities, and gyms shall not count towards the retail, service, office, or institutional requirements.
 - (ii) Parking: All parking shall be provided using structured parking as part of a Wrapped Building.
 - (iii) Public Space: Public spaces such as parks and plazas shall be integrated into the project.
- (3) PUD districts that include other residential use components with the intent to develop a residential condo regime shall include the following:
- (i) Residential condo regime or Townhouse development may be part of a planned development that is greater than 100 acres in size and may comprise no more than twenty (20%) percent of the land area; or the size of the development shall be limited to sixty (60) acres in size.
 - (ii) Density: The development shall not exceed ten (10) units per acre and shall maintain similar lot size to the base zoning district.
 - (iii) Parking: Parking requirements shall be similar to the base zoning district and enclosed garage parking spaces shall be provided.
 - (iv) Public Space: Public spaces such as parks shall be integrated into the project.

SECTION 6. Amendment of Article III, Section 19 (d). Article III, Section 19 (d) of the Composite Zoning Ordinance is hereby amended to add subsection (5) and renumber the following subsections:

- (5) All properties included within a PUD shall be contiguous.

SECTION 7. Amendment of Article III, Section 19 (e). Article III, Section 19 (e) of the Composite Zoning Ordinance is hereby amended to read as follows:

(e) Conceptual Site Layout and Land Use Plan

A Conceptual Site Layout and Land Use Plan of the entire property within the PUD will be considered by the Commission prior to any recommendation to, or consideration by, the City Council of the PUD district ordinance. A Conceptual Site Layout and Land Use Plan may also be considered as a Concept Plan and Preliminary Plat for subdivision purposes if the applicant elects to seek approval of the Concept Plan and Preliminary Plat under the Alternative Review Procedure set forth in Section 20B of the Subdivision Ordinance at the time the PUD application is submitted and if it meets the standards of a Concept Plan and

Preliminary Plat as contained in the Subdivision Ordinance or as modified and approved in the Conceptual Site Layout and Land Use Plan. The preliminary plat shall not exceed fifteen (15) lots to be considered as part of the PUD submittal.

If an applicant requests that the PUD Conceptual Site Layout and Land Use Plan also be considered as a Concept Plan and Preliminary Plat, the applicant shall pay fees in accordance with the most current adopted fees for such Concept Plan and Preliminary Plat in addition to applicable PUD zoning application fees and other related fees. In addition, the notification, expiration, extension, revision and responsibility rules contained in the Subdivision Ordinance for the Concept Plan and Preliminary Plat shall apply.

The following rules shall be applicable to the Conceptual Site Layout and Land Use Plan:

- (1) Approval of a Conceptual Site Layout and Land Use Plan will determine the location and mix of uses (including water quality, detention facilities and other drainage features as appropriate). If considered appropriate in the opinion of the City Council, the Conceptual Site Layout and Land Use Plan will also contain additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including land use limitations and standards and regulations for items listed in subsection (d) above.
- (2) The Commission and/or City Council may approve, conditionally approve, request modifications, or deny approval of the Conceptual Site Layout and Land Use Plan based on evaluation of details with respect to:
 - (i) The plan's compliance with all provisions of the Subdivision and Zoning ordinances and other ordinances of the City;
 - (ii) The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood;
 - (iii) The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values, and negative impacts;
 - (iv) The provision of a safe and efficient vehicular and pedestrian circulation system;
 - (v) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged;
 - (vi) The sufficient width and suitable design and location of streets to accommodate prospective traffic and provide access for emergency equipment to buildings;
 - (vii) The coordination of streets so as to comprise a convenient system that retains neighborhood integrity, is adequate to service projected traffic, is safe, protects the public welfare, and is consistent with the Roadway Plan of the City.
 - (viii) The use of landscaping, screening and tree retention to provide buffers to shield lights, noise, movement or activities from adjacent properties; and to complement the design and location of buildings and be integrated into the overall site design.

- (ix) The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (x) The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- (xi) The method, timing and sequence of phasing of improvements for the PUD;
- (xii) Other similar aspects of the Conceptual Site Layout and Land Use Plan.

SECTION 8. Amendment of Article III, Section 19. Article III, Section 19 of the Composite Zoning Ordinance is hereby amended to add the following subsection and renumber the following subsections:

(f) Minor PUD

- 1. A Minor PUD designates a base zoning district or prohibits specific uses without granting significant waivers.
- 2. A Conceptual Site Layout & Land Use Plan is not required for this type of submittal.

SECTION 9. Amendment of Article III, Section 19 (g). Article III, Section 19 (g) of the Composite Zoning Ordinance is hereby amended to read as follows:

(g) Ordinance Amendment

Every PUD district approved under the provisions of this ordinance is considered an amendment of this ordinance as to the property involved. All PUD districts will be referenced on the Zoning District Map.

SECTION 10. Conflicting Ordinances. Exhibit "A", Chapter 14, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 11. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 12. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 13. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 14. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading this the 5th day of November, 2020.
FINALLY PASSED AND APPROVED on this the 19th day of November, 2020.

THE CITY OF LEANDER, TEXAS


Troy Hill, Mayor

ATTEST:


Dara Crabtree, City Secretary



COMPOSITE ZONING ORDINANCE AMENDMENTS

COMPOSITE ZONING ORDINANCE			
Art	Sec	Current	Proposed
DEFINITIONS			
I	6		
			<p>Residential Condominium and Condo means a single-family unit that is occupied by one household. <u>Condominium developments typically include multiple units on one lot with common ownership.</u></p> <p>Townhouse means an attached or detached single-family unit that is occupied by one household from the ground to the roof.</p> <p>Wrap Building means a building that includes retail or office space around an above-grade parking structure. The commercial uses screen the parking garage from view of the street.</p>
USE COMPONENT			
III	14 (b)(10) (10)	(10) Residential may be located above the first floor; one residential unit per lot, or multiple residential units comprising less than ten percent (10%) of the ground floor area, whichever is greater, may be located on the first floor of a business or other use located on the site. The minimum living area for a residential use is five hundred (500) square feet for an efficiency unit, six hundred fifty (650) square feet per dwelling unit for one bedroom units, eight hundred fifty (850) square feet per dwelling unit for two bedroom units and one hundred fifty (150) additional square feet for each bedroom thereafter.	<p>(10) Residential may be located above the first floor. One single-family residential unit may be located above the first floor as an accessory use. -one-residential-unit-per-lot,-or-multiple-residential-units-comprising-less-than-ten-percent-(10%)-of-the-ground-floor-area,-whichever-is-greater,-may-be-located-on-the-first-floor-of-a-business,-or-other-use-located-on-the-site. The minimum living area for a residential use is five hundred (500) square feet for an efficiency unit, six hundred fifty (650) square feet per dwelling unit for one bedroom units, eight hundred fifty (850) square feet per dwelling unit for two bedroom units and one hundred fifty (150) additional square feet for each bedroom thereafter.</p> <p>(a) Purpose and Objectives</p> <p>The purpose and intent of the Planned Unit Development (PUD) district is to create unified standards for development in order to provide flexible, customized zoning and subdivision standards to encourage imaginative and innovative designs for the development of property in the City consistent with this ordinance and accepted urban planning principles in accordance with the City of Leander Comprehensive Plan. The PUD rules are designed:</p> <p>The purpose and intent of the Planned Unit Development (PUD) district is to create unified standards for development in order to provide flexible, customized zoning and subdivision standards to encourage imaginative and innovative designs for the development of property in the City consistent with this ordinance and accepted urban planning principles in accordance with the City of Leander Comprehensive Plan. The PUD rules are designed:</p> <p>(1) To allow development which is harmonious with nearby areas;</p> <p>(2) To enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;</p> <p>(3) To provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space and lower construction and maintenance costs;</p> <p>(4) To encourage harmonious and coordinated development by developing plans that better address natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;</p> <p>(5) To enable productive development of land with unusual physical or location characteristics that may not be feasible under standard zoning district regulations;</p> <p>(6) To facilitate the development of the tax base, the local economy, population and public facilities and provide additional protections to the environment;</p> <p>(7) To provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and;</p> <p>(8) To require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development;</p> <p>(9) To allow multi-family projects as part of mixed use projects that integrate commercial.</p> <p>(10) To provide a cohesive development of contiguous properties.</p>

COMPOSITE ZONING ORDINANCE AMENDMENTS

COMPOSITE ZONING ORDINANCE			
Art	Sec	Current	Proposed
19	(b) Mixed Use Development		<p>(b) Mixed Use Development</p> <p>(1) The PUD district may include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial uses within a single project in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the City. In order to promote such development, the PUD may be comprised of a combination of components provided for in this ordinance. The outer boundary of each such PUD district shall be shown on a Conceptual Site Layout and Land Use Plan, as will the area for each separate proposed zoning use. Zoning uses may also be vertically integrated within a building or area and denoted on the plan. Said plan shall include a descriptive legend, the specific boundaries of the area proposed for authorized use in any other zoning district, the percentage of the total area of such PUD which will comprise each such separate use, and all notations, references, and other information shown thereon. The Conceptual Site Layout and Land Use Plan shall be adopted by ordinance as an integral part of the PUD and, to the extent feasible, contain all notes and standards of the PUD.</p> <p>(2) PUD districts that include the MF use component shall incorporate multi-family units as upper-floor dwellings in a vertically mixed-use building or horizontally as a complex within the urban context.</p> <p>(i) Horizontally mixed-use developments shall include the following mix of uses:</p> <ul style="list-style-type: none"> a. Gross building area allowed for residential uses shall be limited to a maximum of sixty (60%) percent; and b. Gross building area allowed for non-residential uses shall be limited to a minimum of forty (40%) percent. <p>(ii) Building Types:</p> <ul style="list-style-type: none"> a. Vertical mixed-use buildings shall include ground floor devoted to retail, service, office, or institutional uses. Residential uses are only permitted on the upper floors; and b. Single-use multi-family buildings are allowed provided that they are of an urban character, using structured parking in lieu of surface parking. <p>(1) The PUD district may include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial uses within a single project in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the City. In order to promote such development, the PUD may be comprised of a combination of components provided for in this ordinance. The outer boundary of each such PUD district shall be shown on a Conceptual Site Layout and Land Use Plan, as will the area for each separate proposed zoning use. Zoning uses may also be vertically integrated within a building or area and denoted on the plan. Said plan shall include a descriptive legend, the specific boundaries of the area proposed for authorized use in any other zoning district, the percentage of the total area of such PUD which will comprise each such separate use, and all notations, references, and other information shown thereon. The Conceptual Site Layout and Land Use Plan shall be adopted by ordinance as an integral part of the PUD and, to the extent feasible, contain all notes and standards of the PUD.</p> <p>(2) PUD districts that include the MF use component shall incorporate multi-family units as upper-floor dwellings in a vertically mixed-use building <u>or horizontally as a complex within the urban context and include the following:</u></p> <p>(i) Horizontally mixed-use developments shall include the following mix of uses:</p> <ul style="list-style-type: none"> a—Gross building area allowed for residential uses shall be limited to a maximum of sixty (60%) percent; and b—Gross building area allowed for non-residential uses shall be limited to a minimum of forty (40%) percent. <p>(ii) Building Types:</p> <ul style="list-style-type: none"> a—Vertical mixed-use buildings shall include ground floor devoted to retail, service, office, or institutional uses. Residential uses are only permitted on the upper floors. b—Single-use multi-family buildings are allowed provided that they are of an urban character, using structured parking in lieu of surface parking. <p>(1) Building Types: Vertical mixed-use buildings shall include ground floor devoted to retail, service, office, or institutional uses. Residential uses are only permitted on the upper floors.</p> <p>(2) Building Types: Vertical mixed-use buildings shall include ground floor devoted to retail, service, office, or institutional uses. Residential uses are only permitted on the upper floors.</p> <p>(3) PUD districts that include other residential use components with the intent to develop a residential condo regime shall include the following:</p> <p>(i) Residential condo regime Townhouse development may be part of a planned development that is greater than 100 acres in size, and may comprise no more than twenty (20%) percent of the land area; or if the size of the development shall be limited to sixty (60) acres in size,</p> <p>(ii) Density: The development shall not exceed ten (10) units per acre and shall maintain similar lot size to the base zoning district.</p> <p>(iii) Parking: Parking requirements shall be similar to the base zoning district and enclosed garage parking spaces shall be provided.</p> <p>(iv) Public Space: Public spaces such as parks and plazas shall be integrated into the project.</p> <p>(d) Rules Applicable</p> <p>(4) All properties included within a PUD shall be contiguous.</p>

COMPOSITE ZONING ORDINANCE AMENDMENTS

COMPOSITE ZONING ORDINANCE		
Art	Sec	Current
19 (e)	(e) Conceptual Site Layout and Land Use Plan	<p>A Conceptual Site Layout and Land Use Plan of the entire property within the PUD will be considered by the Commission prior to any recommendation to, or consideration by, the City Council of the PUD district ordinance. A Conceptual Site Layout and Land Use Plan may also be considered as a Concept Plan and Preliminary Plat for subdivision purposes if the applicant elects to seek approval of the Concept Plan and Preliminary Plat under the Alternative Review Procedure set forth in Section 20B of the Subdivision Ordinance at the time the PUD application is submitted and if it meets the standards of a Concept Plan and Preliminary Plat as contained in the Subdivision Ordinance or as modified and approved in the Conceptual Site Layout and Land Use Plan.</p> <p>The preliminary plat shall not exceed fifteen (15) lots to be considered as part of the PUD submittal.</p>
19 (f)	New Section	<p>(f) Minor PUD</p> <p>1. A Minor PUD that designates a base zoning district or prohibits specific uses without granting significant waivers.</p> <p>2. A Conceptual Site Layout & Land Use Plan is not required for this type of submittal.</p>
19 (g)	(g) Ordinance Amendment	<p>Every PUD district approved under the provisions of this ordinance is considered an amendment of this ordinance as to the property involved, and to the Comprehensive Plan. All PUD districts will be referenced on the Zoning District Map.</p> <p>(g) Ordinance Amendment</p> <p>Every PUD district approved under the provisions of this ordinance is considered an amendment of this ordinance as to the property involved,and to the Comprehensive Plan. All PUD districts will be referenced on the Zoning District Map.</p>